



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/004,320 | 10/30/2001 | Balaji S. Holur | 062891.0508 | 8274 |
| 5073 | 7590 | 07/26/2007 | | |
| BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980 | | | EXAMINER FOX, BRYAN J | |
| | | | ART UNIT 2617 | PAPER NUMBER |
| | | | NOTIFICATION DATE 07/26/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mike.furr@bakerbotts.com
ptomail1@bakerbotts.com

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/004,320 | Applicant(s) HOLUR ET AL. | |
| | Examiner Bryan J. Fox | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9, 17 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmi (US 6,694,396).

Regarding claim 1, Salmi discloses a method, a system, a device and a terminal have been invented for filtering electronic information in transferring electronic information to a wireless terminal (see column 3, lines 1-49), which reads on the claimed, "method for managing pushed data at a mobile unit." One header identifies a message class, which can be personal, advertisement, or informative, which tells that the message is either originating from a another terminal, an advertisement message containing commercial advertisement information, or an informative message containing information related to some subject, such as weather or news (see column 8, lines 1-34), which reads on the claimed, "receiving an out-of-band message at a mobile unit; analyzing the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the advertisement and informative messages may fulfill the pushed data that reflects a

server initiated data transfer that is based on predetermined criteria. The user may input into the terminal setting in advance as to into which class or subclass classified messages it is allowed to receive and reject (see column 15, lines 1-44), which reads on the claimed, "determining, if the message contains pushed data, whether the data is appropriate for a session currently being hosted by the mobile unit; and posting the data to the session if the data is appropriate for the session, wherein the determining and posting operations cooperate in order to achieve a filtering function for the mobile unit such that only selected data is posted to the session."

Regarding claim 9, Salmi discloses a method, a system, a device and a terminal have been invented for filtering electronic information in transferring electronic information to a wireless terminal (see column 3, lines 1-49), which reads on the claimed, "system for managing pushed data at a mobile unit." One header identifies a message class, which can be personal, advertisement, or informative, which tells that the message is either originating from a another terminal, an advertisement message containing commercial advertisement information, or an informative message containing information related to some subject, such as weather or news (see column 8, lines 1-34), which reads on the claimed, "receive an out-of-band message at a mobile unit; analyze the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the advertisement and informative messages may fulfill the pushed data that reflects a server initiated data transfer that is based on predetermined criteria. The user may input into the terminal setting in advance as to into which class or subclass classified

Art Unit: 2617

messages it is allowed to receive and reject (see column 15, lines 1-44), which reads on the claimed, "determine, if the message contains pushed data, whether the data is appropriate for a session currently being hosted by the mobile unit; and post the data to the session if the data is appropriate for the session, wherein the determining and posting operations cooperate in order to achieve a filtering function for the mobile unit such that only selected data is posted to the session."

Regarding claim 17, Salmi discloses a method, a system, a device and a terminal have been invented for filtering electronic information in transferring electronic information to a wireless terminal (see column 3, lines 1-49), which reads on the claimed, "system for managing pushed data at a mobile unit." One header identifies a message class, which can be personal, advertisement, or informative, which tells that the message is either originating from a another terminal, an advertisement message containing commercial advertisement information, or an informative message containing information related to some subject, such as weather or news (see column 8, lines 1-34), which reads on the claimed, "means for receiving an out-of-band message at a mobile unit; means for analyzing the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the advertisement and informative messages may fulfill the pushed data that reflects a server initiated data transfer that is based on predetermined criteria. The user may input into the terminal setting in advance as to into which class or subclass classified messages it is allowed to receive and reject (see column 15, lines 1-44), which reads on the claimed, "means for determining, if the

Art Unit: 2617

message contains pushed data, whether the data is appropriate for a session currently being hosted by the mobile unit; and means for posting the data to the session if the data is appropriate for the session, wherein the determining and posting operations cooperate in order to achieve a filtering function for the mobile unit such that only selected data is posted to the session."

Regarding claim 25, Salmi discloses a method, a system, a device and a terminal have been invented for filtering electronic information in transferring electronic information to a wireless terminal (see column 3, lines 1-49), which reads on the claimed, "system for managing pushed data at a mobile unit." One header identifies a message class, which can be personal, advertisement, or informative, which tells that the message is either originating from a another terminal, an advertisement message containing commercial advertisement information, or an informative message containing information related to some subject, such as weather or news (see column 8, lines 1-34), which reads on the claimed, "service access manager operable to receive an out-of-band message at a mobile unit and analyze the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the advertisement and informative messages may fulfill the pushed data that reflects a server initiated data transfer that is based on predetermined criteria. The user may input into the terminal setting in advance as to into which class or subclass classified messages it is allowed to receive and reject (see column 15, lines 1-44), which reads on the claimed, "data push manager operable to determine, if the message contains pushed data, whether the data is appropriate for a

Art Unit: 2617

session currently being hosted by the mobile unit and to post the data to the session if the data is appropriate for the session, wherein the determining and posting operations cooperate in order to achieve a filtering function for the mobile unit such that only selected data is posted to the session."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-4, 6, 7, 10-12, 14, 15, 18-20, 22, 23, 26-28, 30, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmi in view of Alperovich.

Regarding claim 2, Salmi fails to disclose analyzing the data to determine if it is static or dynamic; and storing the data if it is static.

In a similar field of endeavor, Alperovich et al disclose that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "dynamic data", and that the MS receives SMS messages and stores them

Art Unit: 2617

within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed “analyzing the data to determine if it is static or dynamic; and storing the data if it is static.”

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 3, Salmi fails to disclose analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic.

In a similar field of endeavor, Alperovich et al disclose the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed “analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic”.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 4, Salmi fails to disclose determining, if the data is dynamic, whether to store the data; and storing the dynamic data if it should be stored.

In a similar field of endeavor, Alperovich et al disclose that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or

moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed "determining if the data is dynamic, whether to store the data; and storing the dynamic data if it should be stored".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 6, Salmi fails to disclose determining whether a trigger has been met for stored dynamic data; determining, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit.

In a similar field of endeavor, Alperovich et al disclose that the SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "determining whether a trigger has been met for stored dynamic data". Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "determining, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will

display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "posting the data to the session if the data is appropriate".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 7, Salmi fails to disclose determining whether stored static data is appropriate for the session being initiated; and posting the stored data to the session being initiated if the stored data is appropriate.

In a similar field of endeavor, Alperovich et al disclose that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "detecting the initiation of a session; determining whether stored static data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "posting the stored data to the session if the stored data is appropriate".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display

a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 10, Salmi fails to disclose analyzing the data to determine if it is static or dynamic; and storing the data if it is static.

In a similar field of endeavor, Alperovich et al disclose that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "dynamic data", and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed "analyzing the data to determine if it is static or dynamic; and storing the data if it is static."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 11, Salmi fails to disclose analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic.

In a similar field of endeavor, Alperovich et al disclose the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed "analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display

a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 12, Salmi fails to disclose determining, if the data is dynamic, whether to store the data; and storing the dynamic data if it should be stored.

In a similar field of endeavor, Alperovich et al disclose that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed "determine if the data is dynamic, whether to store the data; and initiate storing the data if it should be stored".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 14, Salmi fails to disclose determining whether a trigger has been met for stored dynamic data; determining, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit.

In a similar field of endeavor, Alperovich et al disclose that the SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "determine whether a trigger has

been met for stored dynamic data". Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "determine, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "post the data to the session if the data is appropriate".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 15, Salmi fails to disclose determining whether stored static data is appropriate for the session being initiated; and posting the stored data to the session being initiated if the stored data is appropriate.

In a similar field of endeavor, Alperovich et al disclose that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "detect the initiation of a session; determine whether stored static data is

appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "post the stored data to the session if the stored data is appropriate".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 18, Salmi fails to disclose analyzing the data to determine if it is static or dynamic; and storing the data if it is static.

In a similar field of endeavor, Alperovich et al disclose that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "dynamic data", and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed "means for analyzing the data to determine if it is static or dynamic; and means for storing the data if it is static."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 19, Salmi fails to disclose analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic.

In a similar field of endeavor, Alperovich et al disclose the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed “analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic”.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 20, Salmi fails to disclose determining, if the data is dynamic, whether to store the data; and storing the dynamic data if it should be stored.

In a similar field of endeavor, Alperovich et al disclose that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed “means for determining if the data is dynamic, whether to store the data; and means for storing the dynamic data if it should be stored”.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display

a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 22, Salmi fails to disclose determining whether a trigger has been met for stored dynamic data; determining, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit.

In a similar field of endeavor, Alperovich et al disclose that the SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "means for determining whether a trigger has been met for stored dynamic data". Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "means for determining, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "means for posting the data to the session if the data is appropriate".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 23, Salmi fails to disclose determining whether stored static data is appropriate for the session being initiated; and posting the stored data to the session being initiated if the stored data is appropriate.

In a similar field of endeavor, Alperovich et al disclose that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "means for detecting the initiation of a session; means for determining whether stored static data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "means for posting the stored data to the session if the stored data is appropriate".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 26, Salmi fails to disclose analyzing the data to determine if it is static or dynamic; and storing the data if it is static.

In a similar field of endeavor, Alperovich et al disclose that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on

the claimed "dynamic data", and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed "analyze the data to determine if it is static or dynamic; and initiate storing the data if it is static."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 27, Salmi fails to disclose analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic.

In a similar field of endeavor, Alperovich et al disclose the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed "analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 28, Salmi fails to disclose determining, if the data is dynamic, whether to store the data; and storing the dynamic data if it should be stored.

In a similar field of endeavor, Alperovich et al disclose that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS

message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed "determine if the data is dynamic, whether to store the data; and initiate storing the dynamic data if it should be stored".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 30, Salmi fails to disclose determining whether a trigger has been met for stored dynamic data; determining, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit.

In a similar field of endeavor, Alperovich et al disclose that the SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "determine whether a trigger has been met for stored dynamic data". Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "determine, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for

the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "post the data to the session if the data is appropriate".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 31, Salmi fails to disclose determining whether stored static data is appropriate for the session being initiated; and posting the stored data to the session being initiated if the stored data is appropriate.

In a similar field of endeavor, Alperovich et al disclose that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "detect the initiation of a session; determine whether stored static data is appropriate for the session being initiated". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "post the stored data to the session if the stored data is appropriate".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Regarding claim 33, Salmi discloses a method, a system, a device and a terminal have been invented for filtering electronic information in transferring electronic information to a wireless terminal (see column 3, lines 1-49), which reads on the claimed, "system for managing pushed data at a mobile unit." One header identifies a message class, which can be personal, advertisement, or informative, which tells that the message is either originating from a another terminal, an advertisement message containing commercial advertisement information, or an informative message containing information related to some subject, such as weather or news (see column 8, lines 1-34), which reads on the claimed, "receive an out-of-band message at a mobile unit; analyze the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the advertisement and informative messages may fulfill the pushed data that reflects a server initiated data transfer that is based on predetermined criteria. The user may input into the terminal setting in advance as to into which class or subclass classified messages it is allowed to receive and reject (see column 15, lines 1-44), which reads on the claimed, "determine, if the message contains pushed data, whether the data is appropriate for a session currently being hosted by the mobile unit, post the data to the session if the data is appropriate for the session, wherein the determining and posting

operations cooperate in order to achieve a filtering function for the mobile unit such that only selected data is posted to the session.” Salmi fails to disclose analyzing the data to determine if it is static or dynamic, initiate storing the data if it is static, determine, if the data is dynamic, whether to store the data and initiate storing the dynamic data if it should be stored.

In a similar field of endeavor, Alperovich et al disclose a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed “dynamic data”, and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed “analyzing the data to determine if it is static or dynamic; and storing the data if it is static.” Once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed “determine if the data is dynamic, whether to store the data; and initiate storing the dynamic data if it should be stored”. An SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed “detect the initiation of a session; determine whether stored static data is appropriate for a session currently being hosted by the mobile unit,” and,

Art Unit: 2617

"determine, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "post the stored data to the session if the stored data is appropriate". The SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed "determine whether a trigger has been met for stored dynamic data".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Alperovich et al to include the above ability to display a message at a certain time in order to assist in organization of messages as suggested by Alperovich et al (see column 3, lines 20-44).

Claims 5, 13, 21, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmi in view of Alperovich applied to claims 4, 12, 20, 28 and 25 above, and further in view of what is well known in the art.

Regarding claims 5, 13, 21, 29 and 32, the combination of Salmi and Alperovich et al fails to disclose an indicator to indicate that the data should be stored. However, the examiner takes official notice that the use of indicators is well known in the art and that the addition of this indicator is not critical to the invention, further, the function of determining whether to store a message is disclosed by the combination of Salmi and Alperovich et al (see rejections of claims 4, 12, 20, 28 and 31 above).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Salmi and Alperovich et al to include the above use of indicators in order to assist in identification and handling of messages.

Claims 8, 16, 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmi in view of Yuan (US20010041571A1).

Regarding claims 8, 16, 24 and 32, Salmi fails to disclose the use of an agent advertisement message.

In a similar field of endeavor, Yuan discloses a system where the foreign agent 82 and the home agent 70 advertise their presence with agent advertising messages that use extensions of the router advertisement Internet Control Message Protocol (see page 2, paragraph 21).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Salmi with Yuan to include the above agent advertisement message in order to allow the foreign agent to advertise its presence as suggested by Yuan (see paragraph 21).

Response to Arguments

Applicant's arguments, see Appeal Brief, filed March 19, 2007, with respect to the rejection(s) of claim(s) 1-33 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Salmi (US 6,947,396).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Fostick et al (US 2002/0187794 A1) disclose SMS automatic reply and automatic handling.

Castell et al (US 7,136,920 B2) disclose a wireless communication system congestion reduction system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bryan Fox
July 18, 2007


CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER